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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/516,812 | 12/04/2004 | Marko Hocevar | P17037-US1 | 5258 |
| 27045 | 7590 | 03/09/2009 | | |
| ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024 | | | EXAMINER GAUTHIER, GERALD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2614 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/516,812

Applicant(s)

HOCEVAR ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-14, 16-24, 42-45, 47-49 and 51-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47-49 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-12, 16-19, 24, 42-45 and 51-55 is/are rejected.
- 7) ☒ Claim(s) 13, 14 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-5, 7, 9-12, 16-19, 24, 42-45 and 51-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US 7,043,749 B1) in view of Dalrymple et al. (US 6,826,272 B1).

Regarding **claim 1**, Davies discloses a method for interworking between different video communication terminals through a Video Interactive Gateway (VIG) unit in a video communication system, the video communication system comprising at least one Video Interactive Gateway unit, at least one low bit-rate multimedia terminal, and at least one packet based multimedia terminal [column 1, lines 8-15], comprising the steps of

the low bit-rate multimedia terminal sending a first message to the Video Interactive Gateway unit, the first message including a forward channel description and a Reverse channel description [Control messages, for example DTMF tones manually entered from a telephone key pad, are sent to the gateway to set a variable sensory output delay 401 on the audio stream in the gateway until lip-synch is observed, column 13, 13- 22] and

the Video Interactive Gateway unit sending and receiving messages to set up video communication between the video communications terminals [the gateway calculates half the average roundtrip delay 404 and/or 406. This only applies to packet based LAN terminals supporting H.245 so the H.245 so-called "Roundtrip Delay" message may be used for this purpose, column 13, lines 23-29],

wherein the step of setting up video communication between the video communication terminals, includes: the Video Interactive Gateway receiving a second

OLC message from the packet based multimedia terminal [The decoded signals are looped back at the analogue interfaces of the audio and video devices, re-encoded 506, 511 and sent back to the gateway, column 13, lines 62-67], and

the Video Interactive Gateway initiates a modified OLC message by using the forward channel description received from the packet based multimedia terminal as forward channel description towards the low bit-rate multimedia terminal, and by using the forward channel description received from the low bit-rate multimedia terminal as the reverse channel description towards the low bit-rate multimedia terminal [column 14, lines 11-19].

Davies fails to disclose sending a first Open Logical Channel (OLC) message.

However, Dalrymple teaches sending a first Open Logical Channel (OLC) message to the Video Interactive Gateway unit [The call processor checks the request and upon realizing it is a request to open an audio channel, forwards the message on to the gateway at 431. When the calling H.323 client wants to open a non-audio channel it sends another H.245 open logical channel message 432 with data type anything other than audio to the call processor which forwards it on to the user's H.323 client b at 433, column 9, lines 39-51].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Davies using the teaching of Open Logical Channel (OLC) message as taught by Dalrymple.

This modification of the invention enables the system to send a first Open Logical Channel (OLC) message to the Video Interactive Gateway unit so that the processor would forward the video signal on to the user's H.323 client.

Regarding **claims 2, 10, 17, 43 and 52**, Davies discloses an interworking method, further comprising the step of the Video Interactive Gateway unit sending an Open Logical Channel (OLC) rejection message to the low bit-rate multimedia terminal [column 14, lines 11-19].

Regarding **claims 3, 18 and 44**, Davies discloses an interworking method, further comprising, when setting up video communication between the terminals, the Video Interactive Gateway receiving an OLC ack message from the low bit-rate multimedia terminal and initiating the OLC ack message towards the packet based multimedia terminal [column 14, lines 1-10].

Regarding **claims 4, 11, 19 and 53**, Davies discloses an interworking method further comprising the Video Interactive Gateway receiving the OLC ack message from the packet based multimedia terminal and sending an OLC conf message to the low bit-rate multimedia terminal when both the OLC ack message from the low bit-rate multimedia terminal and the OLC ack message from the packet based multimedia terminal have been received [column 14, lines 11-19].

Regarding **claims 5, 12 and 54**, Davies discloses an interworking method according to claim 1 wherein upon receipt of the modified OLC message, the Video Interactive Gateway initiating the modified OLC message to the low bit-rate multimedia terminal by leaving forward channel description empty [column 14, lines 11-19].

Regarding **claims 7, 24, 40, 45 and 55**, Davies discloses an interworking method, wherein the low bit-rate multimedia terminal is a H.324 terminal and that the packet based multimedia terminal is a H. 323 terminal or a SIP terminal [column 10, lines 49-67].

Regarding **claim 9**, the combination of Davies and Dalrymple discloses all limitations of claim 9 as stated in claim 1's rejection above.

Regarding **claim 16**, the combination of Davies and Dalrymple discloses all limitations of claim 16 as stated in claim 1's rejection above.

Regarding **claim 42**, the combination of Davies and Dalrymple discloses all limitations of claim 42 as stated in claim 1's rejection above.

Regarding **claim 51**, the combination of Davies and Dalrymple discloses all limitations of claim 51 as stated in claim 1's rejection above.

Allowable Subject Matter

5. **Claims 47-49** are allowed.
6. **Claims 13, 14 and 20-23** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
March 11, 2009